

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

216

1 238.

2 Q And what about work element explorer,
3 experience in work element explorer?

4 A Well, I'm assuming that the work element
5 explorer is something where you go within the Amtrak
6 system that -- I assume this.

7 Q Well, do you have any experience in --

8 A No, I don't.

9 Q -- work element explorer?

10 A I don't have. I can't -- I'll say no.

11 Q And this was a position that would have
12 supervisory responsibility for 49 employees?

13 A 49 people. Had no problem doing it.

14 Q Do you know who got this job?

15 A No, I don't.

16 Q Let's go to the next one, in July of '04,
17 for the manager of employee development, 50180873.

18 A Correct.

19 (Lacy Deposition Exhibit 26 marked for
20 identification and attached to transcript.)

21 BY MR. VANDEUSEN:

22 Q Do you remember applying for this position?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

217

1 A Yes.

2 Q Says must have, be 49 CFR 229, 238
3 certified.

4 A Yes.

5 Q And you have that?

6 A Yes, I do. The 49 CFR, that's your
7 airbrake I believe. The 238 is what I was talking
8 about, the 238 interior and exterior.

9 Q And you had both of those?

10 A Yes, I did.

11 Q Completed HSR. That's high speed rail,
12 right?

13 A Yes.

14 Q Mechanical electrical training classes.
15 Had you done that?

16 A Where are you at? Wait a minute. You lost
17 me.

18 Q I'm sorry. Look under work experience must
19 have, right after the 238 certified.

20 A Okay. Now, when I saw that, the mechanical
21 electric training class, I figured that if I was
22 selected for the position, they would say okay, Ms.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

218

1 Lacy, you have 20 days to get this training class
2 done.

3 Q But you didn't at the time?

4 A No, I didn't at the time.

5 Q Okay. Five years working on mechanical
6 systems on passenger cars and locomotives?

7 A Yes. I figured at the time that I had been
8 at Bear, the 18 years would qualify me for the five
9 years working on macannel system -- mechanical
10 system.

11 Q And you look down in preferred, minimum two
12 years classroom instruction experience, they were
13 looking for somebody to teach basically here?

14 A Yes. And I had worked as a substitute
15 teacher at one time, so I kind of looked at it from
16 that perspective.

17 Q Do you know who got that job?

18 A No, I don't.

19 Q Let's look at the next one, June of '04,
20 operations supervisor, 50130938.

21 (Lacy Deposition Exhibit 27 marked for
22 identification and attached to transcript.)

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

219

1 BY MR. VANDEUSEN:

2 Q Do you remember applying for this position?

3 A Yes.

4 Q Work experience, OBS and food service car
5 experience. Did you have that?

6 A No, I didn't, but I knew of a young man
7 that worked on the track, and he was head of the
8 supervisory -- I mean of the commissary at
9 Washington, and I remember when he got promoted, he
10 said well, I didn't have experience on on-board
11 services, but they promoted me to that position. So
12 that's probably why I applied for that. And it said
13 education, high school diploma. That's probably why
14 I applied for that.

15 Q Do you know who got this position?

16 A No, I don't.

17 Q Look at the next one, September of '04,
18 manager of customer service. You said CB, but I see
19 --

20 A Should be an S.

21 Q Okay. 50125481.

22 A Yes.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

220

1 Q Do you remember applying for that position?

2 A I'm going to say yes.

3 (Lacy Deposition Exhibit 28 marked for
4 identification and attached to transcript.)

5 BY MR. VANDEUSEN:

6 Q Do you recognize this requisition?

7 A No, I don't. What is this? I've never
8 seen this before.

9 Q Look at the third page. See if that looks
10 more familiar.

11 A Okay.

12 Q Does that look familiar?

13 A Yeah, but this is from 2001. Is that an
14 updated one?

15 Q The one on the front. So it's possible
16 this is not the job you applied for?

17 A No, because I'm like what is this? Is my
18 name on here somewhere?

19 Q No. It's the number and the position.

20 A No, this doesn't look --

21 Q This one doesn't look familiar to you?

22 A No, this doesn't. I have to double -- do

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

221

1 you have a application for that? Because that might
2 be -- the list that I gave you there, would you look
3 on there and see if that's listed? If it's listed, I
4 have a application for it.

5 MS. VANDEUSEN: Let's go off the record for
6 a second.

7 (Discussion off the record.)

8 BY MR. VANDEUSEN:

9 Q So Ms. Lacy, in an off-the-record
10 discussion, having looked through your materials
11 regarding the 50125481, manager of customer service,
12 or C and B, as yours said, from September of '04,
13 your testimony is that you did not apply for that
14 position?

15 A You know what? Hold that for one minute.
16 Let me check my records.

17 Q I thought that's what you had checked.

18 A Yeah, but see, those were -- the list that
19 you have, those are the jobs that I applied for, and
20 I didn't have the printout on. I might have the
21 application in my briefcase.

22 Q Okay.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

222

1 A Okay?

2 Q Well, would you have already supplied that
3 to us?

4 A Because I wouldn't put it on here if I
5 hadn't applied for it. That's my point. So that's
6 why I'm wondering how come we're getting this.

7 Q In discovery in this case --

8 A Yes.

9 Q -- when we'd asked you to supply us with
10 all the -- all the --

11 A And I thought I did.

12 Q -- documents you had --

13 A I thought I did. This might be the one
14 that I applied for and didn't give you the
15 application. Might be the one.

16 Q I'm not -- I'm just saying you would
17 have -- you would have expected to have supplied --

18 A Yes.

19 Q -- all of that?

20 A That's why I was like where is it?

21 MS. VANDEUSEN: Well, let's go off the
22 record.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

223

1 THE WITNESS: Okay.

2 MR. VANDEUSEN: And you look right now in
3 your things.

4 (Discussion off the record.)

5 MS. VANDEUSEN: In an off-the-record
6 discussion Ms. Lacy looked to see if she had the
7 application for position 50125481 that we'd been
8 referring to before we took our break. She does not
9 have it with her, and she says she does not have all
10 of her documents with her, but that's okay.

11 BY MR. VANDEUSEN:

12 Q Ms. Lacy, I would ask you if you go back
13 home, and you find that, if you could produce that to
14 us along with the back of the time cards that we
15 talked about before.

16 A Okay. That's fine. Yes.

17 (Lacy Deposition Exhibit 29 marked for
18 identification and attached to transcript.)

19 BY MR. VANDEUSEN:

20 Q Ms. Lacy, let's look at job reference
21 50157903.

22 A Yes.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

224

1 Q Do you have that in front of you?

2 A Yes, I do.

3 Q And that was for an operations supervisor?

4 A Yes.

5 Q September of 2004?

6 A Yes.

7 Q Do you remember applying for this job?

8 A Yes, I did.

9 Q Now, if I look down under work experience
10 in this position, it's demonstrated on-board
11 passenger service experience. Did you have that?

12 A No, I didn't, but I had the high school
13 diploma, and when I looked at the summary of the
14 duties and read through those, I felt like there
15 wasn't anything on there that I couldn't successfully
16 perform at. So that's why I applied for that
17 position.

18 Q Do you know who got this position?

19 A No, I don't.

20 Q Let's look at the next one, 50182531.

21 (Lacy Deposition Exhibit 30 marked for
22 identification and attached to transcript.)

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

225

1 BY MR. VANDEUSEN:

2 Q Do you recall applying for this position?

3 A Yes.

4 Q If I look down at work experience, it says
5 proven experience establishing and managing a
6 document control system. Do you have that?

7 A No, but I have education, associate's
8 degree or equivalent qualification.

9 Q Do you know who got this position?

10 A No, I don't.

11 Q Let's go to the next one, job reference
12 50146328, and that would be from September of '04,
13 engineer road maintenance services.

14 (Lacy Deposition Exhibit 31 marked for
15 identification and attached to transcript.)

16 BY MR. VANDEUSEN:

17 Q Do you recall applying for this position?

18 A I'm going to say yes. I don't have the
19 application right in front of me, I'm assuming you
20 do, so I'm going to say yes.

21 Q Would you like to see it?

22 A No. That's okay. If I listed it, I

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

226

1 applied for it.

2 Q I just don't like to have that happen.

3 Take a look.

4 A Okay. Okay.

5 Q Satisfied?

6 A Yes.

7 Q So you applied for this position?

8 A Yes.

9 Q Now, if I look down here for engineer road
10 maintenance services, it says education, bachelor's
11 degree in engineering or the equivalent combination
12 of education, training or experience. Your
13 bachelor's degree is in?

14 A Business.

15 Q Work experience, demonstrated track
16 maintenance experience and project management
17 experience. With respect to the other positions,
18 have we fully talked about your level of track
19 maintenance experience?

20 A Yes, that's what I equated that with.

21 Q And project management experience, the team
22 you were on?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

227

1 A Basically, yes.

2 Q Was there more?

3 A No. I'm saying yes, I agree with you.

4 Q MW track experience. What's that?

5 A Maintenance of way.

6 Q Including expertise in track geometry
7 analysis. Have you ever done that?

8 A No, because that's a specific -- geometry
9 track -- truck or unit, that's one -- that's a gang
10 within itself, but I'm familiar -- I'm familiar with
11 what they do and what their requirements are.

12 Q Railroad track -- roadway track rail flaw
13 testing and rail grinding. Have you ever done that?

14 A The rail grinding is basically after they
15 weld, you do -- you run the grinder to smooth it out.

16 Q How about flaw testing?

17 A No, I'm not familiar with that. I know
18 what it is, but I have never done it.

19 Q Track maintenance. You said that's what
20 you did when you worked the tracks?

21 A Yes.

22 Q And inspection?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

228

1 A Yes. Now, also this position, I applied
2 for this position because the other position that I
3 had applied for and interviewed and had gotten so
4 many -- had gotten so much positive reviews was in
5 the engineering department, the one that the
6 evaluation came out and went back.

7 Q The one up in Philadelphia?

8 A Yes.

9 Q Back in --

10 A So I felt like maybe there was somebody
11 that felt like I should be in the engineering
12 department.

13 Q Back in 1994?

14 A Yes.

15 Q So ten years later you were applying for it
16 saying I did it once and got some positive feedback,
17 I'll apply for it again?

18 A No. I applied for it because I felt like I
19 had the qualifications to hold the position.

20 Q Okay. And you'd gotten positive feedback
21 the last time, a similar position --

22 A I had gotten --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

229

1 Q -- you had applied for?

2 A I think it was probably in my mind that the
3 people in the engineering department out of Phillie
4 was somewhat positive more so than the other
5 departments that I had interviewed for. That's
6 probably what it was.

7 Q Okay. Do you know who got this position?

8 A You know, I'm thinking I have a friend,
9 Mark Jennifer, and he works out of -- he's on the
10 track, and I think he was the one that told me to put
11 in for this, and I can't remember if this is the one
12 that he told me that a white guy got it or not, so
13 I'm not sure.

14 Q Okay. Just to be clear, you testified
15 before that if somebody who was also an African-
16 American female got it, you don't think of it as
17 discrimination based on race or sex, correct?

18 A Repeat that.

19 Q Okay. That's fine. You testified earlier
20 when we talked about this, that if you and another
21 African-American female had applied for the position
22 --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

230

1 A Yes.

2 Q -- and the other African-American female
3 gets the position --

4 A Yes.

5 Q -- and you don't --

6 A Yes.

7 Q -- it might be a personality issue, I like
8 you better than I like the other person, but it
9 wouldn't be race or sex discrimination?

10 A It can be. You have to understand. Each
11 position is individual, but most of the time it's
12 racist from my point of view. I don't know. When
13 the applications come in, I don't know who else is
14 applying for it. I know I am, and I know a lot of
15 applications come in, but how can it be that out of
16 40 positions out of the whole year, I wasn't
17 qualified for one? That's my point.

18 Q As we've gone through some of these, if you
19 didn't meet the must haves --

20 A Well, I tell you what.

21 Q -- isn't it possible that you were just
22 deemed not qualified?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

231

1 A That's a good possibility, but can you
2 provide me with the person's name, their
3 qualifications, and the person that received the
4 promotion? Can you provide me with that information
5 so that we can see well, did John have the same
6 qualifications as Ms. Lacy, or did he not? And I
7 know that's probably going to come when I have an
8 attorney to represent me, but I would love for you to
9 sit up here and say Ms. Lacy, this position, Joanne
10 Wilson's gotten it, and she has the experience that
11 they requested. Here on her application she worked
12 for maintenance of way for 15 years. I don't have a
13 problem with that.

14 Q And if that was the case, if in each
15 circumstance where you applied and were either
16 considered not qualified or in those couple cases
17 where you got to interview where Sarah Ray sent the
18 letter --

19 A Yes.

20 Q -- and you interviewed --

21 A Yes.

22 Q -- if the person who got the job --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

232

1 A Yes.

2 Q -- instead of you was deemed more qualified
3 by Amtrak --

4 A Yes.

5 Q -- regardless of their race or sex, would
6 you accept that your race or sex did not play a role?

7 A Yes, I would accept that if you could also
8 tell me that when they're looking at my application,
9 they're not being discriminatory against me because
10 of who I am, and you can't answer that.

11 Q Because of who you are. What do you mean
12 by that?

13 A In other words, if I'm in human resources,
14 and I say I have two applications here, I have
15 Alvia's, and I have Bob's, we're back to -- I'm going
16 back to the same notion -- and they say well, Alvia
17 has the same qualifications, and Bob has the same,
18 but I know Bob's uncle, Bob's getting the job,
19 that's discriminatory because it's not allowing me
20 the same opportunity to be promoted to the position
21 as you are this person.

22 Q But would you agree it wouldn't be based on

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

233

1 your race or sex?

2 A It would be based on race if the person's
3 saying to themselves she's black, and I'm not going to
4 promote her.

5 Q No, no, no. But using your example of
6 Bob's nephew of somebody --

7 A Yes, because that is -- that is -- that is
8 discriminatory to the point where I'm going to go
9 to -- this is kind of -- you might not see the big
10 picture like I'm seeing it. Now we're going back to
11 --

12 Q I'm just worried about whether I'm seeing
13 the legal picture --

14 A Okay.

15 Q -- as it --

16 A Okay. So let's go with --

17 Q -- applies to your case.

18 A Okay. In the consent decree it stated that
19 Amtrak would not use nepotism. Okay? Amtrak has a
20 big problem with nepotism. Okay? Now, if you've
21 been told by the judge no more nepotism, stop it, and
22 if you received a promotion because of who you are,

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

234

1 that's -- that's the nepotism.

2 Q Let's put that aside for a second.

3 A Okay.

4 Q Let's say I've got Alvia, and I've got Bob,
5 and their qualifications are equal.

6 A Okay.

7 Q Or in the context of reviewing the
8 applications, Bob's qualifications in some area,
9 maybe he doesn't have a high school diploma -- or
10 maybe he doesn't have a college degree, but he has a
11 high school diploma, but he has more work experience
12 in the must haves there, and all this requires is a
13 high school diploma or more, and so Bob gets picked.
14 Would you be saying that no, I should have been
15 picked because I had a college degree even if he has
16 more work experience or more of the work experience
17 they were looking at in the must haves? I'm trying
18 to understand the basis of your claim, ma'am. I'm
19 not trying to --

20 A I understand.

21 Q -- confuse you. And I can restate it if
22 you want.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

235

1 A But you don't understand that a lot of
2 decisions are made, it's not how it's black and
3 white, qualified or not qualified. That's what I
4 don't think you're understanding here because to me,
5 this is the way it goes. When I walk out of here
6 today, I don't have a chance at a management job. I
7 don't have a chance. That's why I'm fighting this.
8 And I'm tired of fighting this fight. I've been
9 doing it for 22 years. Nobody seems to get it. They
10 think I'm sitting here talking about some fictitious
11 scenario. It's the truth, it's the way it is, and
12 it's hard to prove because I don't have the
13 information that the person that makes the decision
14 makes outside of going by when I do my interviews.
15 I'm having to interview with a man who's going to be
16 my supervisor, and he doesn't even have a high school
17 diploma. Do you think he wants me to get the
18 position? No, he doesn't. That's not going to
19 happen because it's his final say. So it is
20 discriminatory.

21 Q So he's intimidated by somebody who has a
22 college degree?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

236

1 A I'm sure he is.

2 Q Is that the hypothetical?

3 A Because that's the way -- in the real
4 business world -- in the business world the most
5 qualified applicant gets the job. Am I right or
6 wrong?

7 Q Go on.

8 A For the most part. With Amtrak, if you
9 actually talk to the managers within Amtrak, it's
10 phasing out now, but most of the managers don't have
11 a college degree. Mr. Hudson, who is a general
12 foreman, who is my boss, told me Monday, he said you
13 know the job that I'm holding, this job will no
14 longer be held by a person unless they have a college
15 degree in the future. He said all of our jobs, Ed
16 Hill, Ace McDowell, he said from now on when these
17 jobs close, and we come out of them, the person with
18 the degree will be appointed to this position. So
19 what's finally happening --

20 Q Because things have changed --

21 A Yes.

22 Q -- over the last 20 or 30 years.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

237

1 A Yeah, because it's not the good old boy
2 system, and people have cried about I'm being
3 discriminated against. I'm not the first one to
4 holler discrimination with Amtrak, and I'm not going
5 to be the last.

6 Q But we're here on your claim today.

7 A Yes, we are.

8 Q And what I'm trying to understand is
9 whether you would perceive it as discriminatory if
10 -- let me try it this way.

11 A Yeah, because I'm getting -- I'm getting
12 twisted, and I don't want to say something that -- I
13 don't have no legal counsel here, so I don't want to
14 say something that's going to come back and haunt me.

15 Q Although you've had the opportunity, ma'am,
16 since you filed this lawsuit and before --

17 A That's true.

18 Q -- to obtain legal counsel --

19 A That's true.

20 Q -- isn't that true?

21 A And I'm still working on that. Legal
22 counsel is not easy to come by today.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

238

1 Q Now, if the person selected for the
2 position that you apply for happens to be a white
3 male, okay -- are you with me? --

4 A Yes.

5 Q -- do you believe that the fact the
6 individual selected is a white male alone
7 demonstrates discrimination?

8 A Yes, yes. I'm going to say yes, yes.

9 Q All right. Let's go to the next one. This
10 would be 50146672, and that is from September of '04,
11 the field environmental specialist.

12 (Lacy Deposition Exhibit 32 marked for
13 identification and attached to transcript.)

14 BY MR. VANDEUSEN:

15 Q Take a look at that, please. Do you recall
16 applying for this position?

17 A Yes.

18 Q And if I look down at the work experience,
19 it says some environmental compliance or related
20 experience. Did you have that?

21 A Well, when I was in high school my senior
22 year, I worked at U.S. Army Environmental Hygiene

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

239

1 Agency where I typed up reports and kept a record of
2 the water quality engineering division. So that's
3 probably why I applied for that position. I felt I
4 had the experience on that level.

5 Q Is there anywhere on your application for
6 that position where that basis of background would
7 have been reflected?

8 A No, because on my application usually most
9 employers ask you to go ten years back. That was in
10 1974, '75, it was that long ago, when I was in high
11 school, but I still had that experience. I've been a
12 librarian. I've had several jobs that I don't list.
13 They're not listed on my application.

14 Q But you're saying here you looked at this
15 job, and you said hey, I'm qualified for this because
16 I have some environmental compliance or related
17 experience from what I did in high school; is that
18 correct?

19 A Not only in high school, but also as a
20 track person and as a car repairman, there are things
21 -- like, for instance, you can't throw aerosol cans
22 in the dumpster. That's an environmental issue, and

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

240

1 it's an environmental compliance, just putting it
2 kind of short and sweet.

3 Q Okay.

4 A So I'm looking at it from the perspective
5 that it says some environmental compliances or
6 related experience.

7 Q So somebody looking at the fact that you
8 were a track person and a car repair person would say
9 well, to use your example, they're supposed to know
10 not to throw aerosol cans in the dumpster --

11 A No.

12 Q -- and that's enough?

13 A No, I'm not saying that's enough, but I'm
14 saying that --

15 Q Well, let me -- let me -- I don't want to
16 interrupt you, but I mean how would an individual
17 reviewing your application come to the conclusion
18 that you were qualified, that you met the
19 requirements of work experience for this position,
20 when they were reviewing applications?

21 A Okay. I would say that if they looked at
22 it and saw that I had -- the education says associate

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

241

1 degree, technical school or equivalent. Okay. Now
2 I'm going to go back up here to look at the duties,
3 and it says ensure compliance with all applicable
4 federal and state, local environmental laws and
5 regulations and Amtrak's environmental management
6 system, EMS policies. Okay. Another thing that I
7 may have been guilty of, I always look at the duties,
8 and I say can I do the duties? If the duties I feel
9 I can do, and I may not have the work experience, but
10 if you're not given the opportunity to get the work
11 experience, how are you ever going to get it?

12 Q But if I'm using the hypothetical of how we
13 have gone through the way Amtrak makes its selection
14 process --

15 A Yes.

16 Q -- if I'm in human resources --

17 A Yes.

18 Q -- and I look at Alvia's application for
19 this position --

20 A Yes.

21 Q -- and just in the first place I've got 20
22 applications in front of me let's say, how do I use

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

242

1 your application and look at this and say oh, well,
2 she's got the kind of work experience as we're going
3 through, and we're selecting on paper who are the
4 people who might get interviews with me?

5 A You know what? I might have put my foot in
6 my mouth when I said that because it may be a process
7 where Ms. Ray says here, Bob, you have a -- you have
8 a position opening, and here's ten people. You go
9 through there and tell us who you want to pick.

10 Q Okay. Well, let me -- let me -- let's
11 create the hypothetical the way Amtrak works --

12 A Okay.

13 Q -- and a human resources person actually
14 does make the first cut to --

15 A Okay.

16 Q -- determine who's qualified and --

17 A Okay.

18 Q -- who's not qualified. Okay?

19 A Okay.

20 Q So Sarah Ray or Taylor Cannon --

21 A Yes.

22 Q -- make the first cut to pick those --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

243

1 A Okay.

2 Q -- and put them in the pile of those
3 qualified and not qualified.

4 A Okay.

5 Q All right? If I'm Ms. Ray --

6 A Yes.

7 Q -- and I'm trying to help you --

8 A Yes.

9 Q -- and I think you've said Ms. Ray --

10 A Yes. Ms. Ray, very positive.

11 Q She's trying to help you?

12 A Yes, she is.

13 Q Taylor Cannon?

14 A Yes.

15 Q Trying to help you?

16 A Good people. Good people. Fair people.

17 Q If they're looking at applications, and
18 they're saying how do I justify saying I think we
19 ought to put Alvia in the let's interview her pile in
20 this particular case --

21 A Okay.

22 Q -- how do I justify that looking at your

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

244

1 resume? Where do I see --

2 A Well, if she can't, I understand what
3 you're saying then. Okay. It's one of those that a
4 person, she applied, and she's not qualified. I
5 don't have a problem with that.

6 Q Okay. Let's look at the next one,
7 50166678, December of '03, quality assurance
8 inspector. Do you remember this position?

9 A Yeah, I remember it.

10 (Lacy Deposition Exhibit 33 marked for
11 identification and attached to transcript.)

12 BY MR. VANDEUSEN:

13 Q If you look on the second page under work
14 experience, must have demonstrated skill in a
15 quality-related position; auditor, inspector,
16 manager, quality trainer in ISO, AAR, ASQ and/or
17 quality systems. Do you have that?

18 A Well, I have been a car repairman,
19 inspector.

20 Q How long was that for?

21 A I'd have to go back and document, but I
22 know at least a year, a year or more. And even as a

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

245

1 airbrake person, even though it doesn't say
2 inspector, you are expecting and required to make
3 notification of anything that should be alerted to as
4 far as something being wrong with it. So you may not
5 have inspector behind your job title, but you're
6 still doing inspecting and making sure things are up
7 to compliance. So that's probably why I felt like I
8 qualified for that position.

9 Q Do you know who was selected for this
10 position?

11 A You know, I thought this was the one that
12 Al Feeley got, but I'm not sure. And in this same
13 position, I don't think I have it listed, but they
14 had one that was for Bear.

15 Q Did you apply for that one?

16 A Yes, I did. And I think Pat Ciminaro got
17 it.

18 Q Let's go to the next one, 50183697.

19 (Lacy Deposition Exhibit 34 marked for
20 identification and attached to transcript.)

21 BY MR. VANDEUSEN:

22 Q This was administrator support specialist.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

246

1 A Yes.

2 Q Do you recall applying for this job?

3 A Yes.

4 Q Looking down at work experience,
5 demonstrated experience and understanding of
6 mainframe and PC operating systems.

7 A Yes.

8 Q Do you have that?

9 A I say I understand a mainframe and PC
10 operating services.

11 Q Would that be through your job as a car
12 repair person?

13 A Yes, and when I worked with the phone
14 center.

15 Q Prefer extensive experience utilizing AAMPS
16 system?

17 A That's what our supplies come under.

18 Q Etrax?

19 A I'm not familiar with that.

20 Q And Microsoft desktop applications?

21 A Yes.

22 Q Extensive experience using the AP imaging

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

247

1 system preferred. Do you know what that is?

2 A No.

3 Q Do you know who got this job?

4 A No, I don't, but I do have the bachelor's
5 degree in business administration for the education
6 part.

7 Q Let's look at the next one, 50183713, from
8 October of 2004.

9 A What was the number again, 83697?

10 Q That was the last one I think we just
11 looked at. Now we're down to the one after that,
12 713.

13 A Okay. I thought you said it was 69.

14 (Lacy Deposition Exhibit 35 marked for
15 identification and attached to transcript.)

16 BY MS. VANDEUSEN:

17 Q Senior analyst operating practices. Do you
18 recall applying for this position?

19 A Yes. Bachelor's degree in business.

20 Q Under work experience, must be currently or
21 formerly qualified in T and E. You said that was
22 track and something?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

248

1 A I'm assuming that.

2 Q You don't know?

3 A I'm not sure if TE is track and --

4 Q Qualified in T and E, block operator,
5 yardmaster or train dispatcher. Had you ever done
6 any of those?

7 A No, but for other, I had extensive
8 knowledge of operating rules and practices, special
9 instructions governing the E -- northeast corridor,
10 that is, or off-corridor operations. I had knowledge
11 of that as a track person.

12 Q Okay. Do you know who got this position?

13 A You know what? This is one that I wanted
14 also because it was in Wilmington, and I want to
15 say -- I'm not going to guess, but I think Mike Fell
16 got this one. I'm not sure. There's two --

17 Q Yeah, there's two different dates. One, I
18 think it started out, and then it was re --

19 A Yeah, because usually when it's reposted --

20 Q Reposted.

21 A -- I'm looking to see if they changed any
22 of the requirements because sometimes they change

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

249

1 things to fit the applicant they want. But anyway,
2 it's the same one.

3 Q And finally, 50183771.

4 (Lacy Deposition Exhibit 36 marked for
5 identification and attached to transcript.)

6 BY MR. VANDEUSEN:

7 Q Do you recall applying for this position?

8 A Yes. I think I had applied for this once
9 before, didn't I? High speed. It just was a
10 different number.

11 Q Therefore, it would have been a different
12 position?

13 A Yeah. They always change the numbers. The
14 position number changes. The job might be the same,
15 but the position number changes all the time.

16 Q If I look down to work experience --

17 A Yes.

18 Q -- experience in materials management?

19 A Yes.

20 Q Production planning?

21 A Yes.

22 Q Lead times?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

250

1 A Yes.

2 Q Forecasting and distribution?

3 A Yes.

4 Q How did you have experience in those areas?

5 A Okay. As far as experience in material
6 management, I ordered things as an airbrake person
7 and as a car repairman. Also the 66 days that I
8 performed in the position as a foreman, I had to
9 order supplies for the coach cleaners, I had to make
10 up the scheduling for the workday prior to, do the
11 turnover, and, you know, serve as a leader. So
12 that's how I'm looking at that.

13 Q So you felt you'd met those qualifications?

14 A Yes. And then it says must have a high
15 school diploma for the education part of it. And
16 also looking at the duties, which says monitoring
17 usage of inventory, I felt like I did that also.
18 When I was at the phone officer, we also had
19 inventory of different products that when they were
20 low, you had to notify the supervisor and make
21 notations and write things up and do orders and
22 things of that nature. So I kind of tie it all

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

251

1 together thinking I'm qualified for it.

2 Q Do you know who got this position?

3 A This one, I'm not sure. I don't know who
4 got that.

5 Q Now, Ms. Lacy, those are the positions
6 you'd addressed and listed at issue when you filed
7 your EEOC charge --

8 A Yes.

9 Q -- correct?

10 A And including the ones at the -- the ones
11 that I listed that go from '03, I was trying to show
12 that I'm still applying. And the list that I gave
13 you today, can you open that and see what the dates
14 are on that? Because I think I -- I think those are
15 all '04. You might want to go through those while
16 I'm in here. If they're not '04, I guess you might
17 not want to worry about it.

18 Q Is it possible that there were other
19 positions in '04 that you applied for that you didn't
20 raise to the EEOC?

21 A Yeah, there could be. There could be. You
22 have to remember the EEOC is the initial -- I'm

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

252

1 assuming the initial investigating, and they're
2 asking me to list for that time period, and the
3 extensive information I sent to EEOC, I wish they had
4 sent everything back to me in its original state, but
5 they didn't, so I only had -- some of the things that
6 I sent them were -- matter of fact, my denial
7 letters, I sent them over 60 denial letters, and they
8 didn't sent me those back, and I'm sure they probably
9 destroyed them by now.

10 Q And you hadn't made copies of those?

11 A No, I didn't, but I did request for them --
12 I note -- I note -- make notations on things and kept
13 things separate that I wanted them to send me back,
14 and they didn't. So do you have this last one, the
15 administrative inventory HS? Is that one included?

16 Q Your application?

17 A Yes.

18 Q That's the one we just looked at. That was
19 the last --

20 A Was that the last one?

21 Q -- the one we just looked at, 771.

22 A Okay. Okay. I'm thinking it was human

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

253

1 sources and not high speed. Okay. I gotcha.

2 Q Why don't you go ahead and look at this and
3 see if that's not your application and the letter
4 from Mr. Cannon.

5 A Yeah, that's my denial letter. Okay. I've
6 got a zillion of those. Okay. Thank you.

7 MS. VANDEUSEN: Let's take a break for just
8 a couple minutes.

9 (Discussion off the record.)

10 BY MR. VANDEUSEN:

11 Q Ms. Lacy, you provided us today with some
12 additional jobs for which you had applied --

13 A Yes.

14 Q -- but were not selected; is that correct?

15 A Yes, correct.

16 Q I have before me a list of 14 jobs, two of
17 which we found we'd already gone over --

18 A Okay.

19 Q -- but the rest of which we had not. So
20 I'm going to go through those now in much the same
21 way we just did a few minutes ago.

22 A Fine.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

254

1 Q Let me hand you a job that's got the
2 effective date of October 4th, 2005, 50163303, senior
3 employee development officer.

4 (Lacy Deposition Exhibit 37 marked for
5 identification and attached to transcript.)

6 BY MR. VANDEUSEN:

7 Q Now, it says on here it was a repost of a
8 previously posted position. Repost applicants need
9 not reapply. Do you recall whether you'd applied the
10 first time and were just --

11 A No, because if it's -- if I -- if it says
12 repost, and I've applied, I don't reapply.

13 Q Okay. So this would have been a repost,
14 and you applied --

15 A Yes.

16 Q -- when there was --

17 A Yes.

18 Q -- the repost?

19 A Apparently I didn't see the first one. You
20 know what? This same job came out this week, and I
21 meant to put in for it, and I missed it.

22 Q All right. With respect to this job --

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

255

1 A Yes.

2 Q -- looking down at work experience --

3 A Yes.

4 Q -- must have knowledge of operations
5 staffing practices, infrastructure and/or equipment
6 maintenance practices?

7 A Yes.

8 Q Familiarity with state -- of state and
9 federal training requirements. Did you have those?

10 A Yes. And I want to tell you why.

11 Q Please.

12 A Okay. The must have knowledge of the
13 operator staffing practice, I assume that to be, in
14 other words, if you need four people to truck, you
15 have to know you need four people to truck along with
16 an electrician to hook up the truck electrical
17 system, and the person that trucks has to be
18 qualified to do the car move and so forth. So I
19 looked at that as operation and staffing practice,
20 which is what I'm figuring Ace McDowell and them do
21 on a regular. Okay?

22 Q Okay.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

256

1 A And then for the equipment maintenance
2 practice, I looked at that from the point of view
3 like, for instance, the car mover, it says before
4 operating, you must make sure you check the fluid
5 levels, and as an operator you're required to do
6 that. As a car mover -- everybody's not a car mover,
7 but if you're a qualified car mover, you know you
8 have to do that. So I looked at it from that point
9 of view and the fact that I had the high school
10 diploma.

11 Q Do you know who got this job?

12 A No, I don't.

13 Q Were you interviewed for this position?

14 A You know what? I don't think so. I can't
15 remember the last time I got an interview in
16 Philadelphia. I don't think so.

17 Q The next one is position 50010519, manager
18 of train operations.

19 (Lacy Deposition Exhibit 38 marked for
20 identification and attached to transcript.)

21 BY MR. VANDEUSEN:

22 Q Ms. Lacy, if I look on this one, I see the

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

257

1 work experience says must have demonstrated
2 operations experience or related transportation
3 experience?

4 A Yes.

5 Q Prefer extensive operations and/or
6 transportation experience. Did you think you had
7 that?

8 A Yes. Let me tell you why I put in for this
9 position, I really did want this one, is because a
10 lot of the males that had went from car repairman to
11 CNOC, this is the position they would go into. I
12 think Mike Fell is holding this position. So I felt
13 like I can make that transformation, so that's why.
14 And I really did want this one. I remember this.

15 Q Do you know who was selected for this
16 position?

17 A I want to say Chris Purcell, because I
18 remember everybody was making big raves about it, but
19 I don't want to hold myself to that.

20 Q Were you interviewed for this position?

21 A No, I wasn't.

22 Q Next one is 50184672.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

258

1 (Lacy Deposition Exhibit 39 marked for
2 identification and attached to transcript.)

3 BY MR. VANDEUSEN:

4 Q This is an employment development officer?

5 A Another one I really was looking forward to
6 at least being interviewed for.

7 Q All right. Must have demonstrated
8 experience working on mechanical and/or electrical
9 systems on passenger cars and locomotives?

10 A That would be me.

11 Q That's what you did, right?

12 A Yes.

13 Q Demonstrated experience working on
14 passenger car and locomotive mechanical systems?

15 A Yes.

16 Q Experience in inspecting, repairing and
17 troubleshooting of mechanical, electrical systems?

18 A That's me.

19 Q Organizational, administrative, planning
20 skills, effective writing, verbal skills?

21 A I thought I had that with the bachelor's
22 degree in addition to the successful completion of

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

259

1 the 229, 232 and 238 class.

2 Q Okay. That was the 10-27-04?

3 A Yes. I put that list back in the
4 exhibits. I don't have that looking at it. That was
5 when we went over that one that I had listed.

6 Q It's not.

7 A Okay.

8 Q That's just what I was looking at.

9 A Okay.

10 Q Do you know who was interviewed for this
11 position?

12 A No, I don't.

13 Q Do you know who was selected?

14 A No, I don't. I'm sorry.

15 Q That's okay.

16 A Yeah, that was one I really wanted to get.

17 Q Look at the next one, 50187772.

18 (Lacy Deposition Exhibit 40 marked for
19 identification and attached to transcript.)

20 BY MS. VANDEUSEN:

21 Q This is an operations supervisor?

22 A Yes.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

260

1 Q Looking at work experience for must haves,
2 OBS and food service car experience, supervisory
3 experience?

4 A Yes.

5 Q Did you have that?

6 A No, I didn't, but I had the must have as
7 far as the education and the two years of college,
8 and I felt like the on-board services, I felt like I
9 could -- you know, that really shouldn't have been a
10 big factor there, but I understand what you're
11 saying, and also looking at the duties.

12 MS. VANDEUSEN: I'm sorry. Hold on.

13 THE WITNESS: Okay.

14 (Discussion off the record.)

15 BY MR. VANDEUSEN:

16 Q Do you know who got this position?

17 A No, I don't.

18 Q Let's go to the next one, 50168915.

19 (Lacy Deposition Exhibit 41 marked for
20 identification and attached to transcript.)

21 A Oh, yeah, I wanted this job bad.

22 Q This is a general foreman 1?

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

261

1 A Yes, out of Washington, D.C.

2 Q And for work experience, you had experience
3 in railway servicing, repair, and what's PM?

4 A You know what? I don't know what that PM
5 is. I want to say project management, which would be
6 like scheduling of what we're going to do this
7 month. That's what I thought it was.

8 Q Okay.

9 A Then the knowledge of the areas of the FRA,
10 FDA, EPA and AAR regulations, I have books on those,
11 and I have some general knowledge of each one as they
12 pertain to whatever department like if I was doing
13 airbrake. I felt like I qualified on that note.

14 Q How about the knowledgeable if rolling
15 stock and collective bargaining agreements?

16 A Well, the rolling stock would be everything
17 that's in our inventory system. That's the trucks,
18 the wheels, even down to the screws. So I had
19 knowledge of that. And then as far as collective
20 bargaining, I know that our union, such as a car
21 repairman, we have a union, and the electricians have
22 their individual unit, and the pipe fitters and so

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

262

1 forth, and I know that certain -- they're basically
2 the same, but there's some difference in each one.
3 So I looked at that as having, you know, knowledge of
4 collective bargaining for each one.

5 Q And were you interviewed for this job?

6 A No, I do not -- I don't think so.

7 Q Do you know who got this job?

8 A No, I don't.

9 Q Let's look at the next one, 50168911, a
10 general foreman 1 position.

11 (Lacy Deposition Exhibit 42 marked for
12 identification and attached to transcript.)

13 BY MR. VANDEUSEN:

14 Q You met the minimum qualifications for this
15 position?

16 A Yes, high school diploma.

17 Q Do you know whether you were interviewed
18 for this position?

19 A I'm not sure. I want I want to say yes
20 because I did -- I did interview for one of the
21 foreman positions in Washington, but I'm not sure
22 which one it was.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

263

1 Q Do you know if you -- well, you weren't
2 selected. Do you know who was selected?

3 A No, I don't.

4 Q Let's look at the --

5 A Now, can I say this for the record? Do you
6 know which one I was interviewed for? Because if I
7 was interviewed for the one with this 8911, and it
8 says on here prefer experience in maintaining
9 electric locomotives, have working knowledge of labor
10 contracts, Amtrak OMS computer system, if I got
11 interviewed for that, and I didn't meet that
12 qualification, I'm wondering how, you know -- you see
13 what I'm saying? See the flexibility of how it kind
14 of works?

15 Q I believe you were actually interviewed for
16 a foreman 2 position in March.

17 A It was a foreman 2? Okay. I think it was
18 -- I got -- I interviewed for two because I remember
19 one of the -- okay.

20 Q Well, if you go back and look at the Sarah
21 Ray --

22 A Yes.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

264

1 Q -- position --

2 A What's the number on that?

3 Q -- you had interviews in March, the end of
4 March of '05, and April 1st, for an employee
5 development officer position and a foreman 2
6 position.

7 A Okay. Okay.

8 Q Just to make sure we're clear on that.

9 A Okay. Yeah, that's a good point.

10 Q So let's look at the next one --

11 A Okay.

12 Q -- which is 50138579 --

13 A Yes.

14 Q -- employee development manager.

15 (Lacy Deposition Exhibit 43 marked for
16 identification and attached to transcript.)

17 BY MR. VANDEUSEN:

18 Q Here must have minimum five years working
19 on mechanical and/or electrical systems on passenger
20 cars and locomotives. You have the --

21 A Yes, I do.

22 Q -- passenger cars.

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

265

1 A Uh-huh.

2 Q Do you ever have to work on locomotives?

3 A No, because that's at the Wilmington
4 facility, and that's a little bit too far for me to
5 travel. Then the must have high school diploma, had
6 that.

7 Q Must have a minimum of two years experience
8 in developing delivery of training courses. Did you
9 have that?

10 A No.

11 Q Do you know who got this job?

12 A No, but I did have experience in working --
13 working in a running maintenance environment,
14 including inspecting, repairing and troubleshooting
15 of mechanical systems used on passenger cars. See
16 that down there where it says experience working in?
17 And I did have, I felt, organizational,
18 administrative, planning skills, effective writing,
19 excellent verbal communication skills and effective
20 platform training skills.

21 Q Okay. Let's look at the next one,
22 50183735, specialist in administration operations

DEPOSITION OF ALVIA LYNN LACY
CONDUCTED ON FRIDAY, OCTOBER 6, 2006

266

1 practices -- administration operating practices.

2 A Okay.

3 (Lacy Deposition Exhibit 44 marked for
4 identification and attached to transcript.)

5 BY MR. VANDEUSEN:

6 Q If I look down at work experience,
7 demonstrated experience in an administrative role
8 performing responsible administrative and business
9 activities, including management of complex
10 logistical issues among diverse individuals. Did you
11 have that?

12 A I felt I had that with my bachelor's
13 degree. And if you look, the education says must
14 have a high school diploma. So some of these jobs,
15 if they stated the work experience, and I basically
16 was trained in that, I felt I qualified for it. And
17 it says work experience has demonstrated. It doesn't
18 say must have. So that's why I applied for that
19 position.

20 Q Do you know who got this position?

21 A No, I don't.

22 Q Let's look at the next one, 50007851.